

*Sph 2*  
*11/20/18*

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

vs.

GARTH RONALD PETERSON,

Defendant.

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*Final Order*

Civil Action No. CV 12-2033  
Weinstein, Jack B.

**FILED**

IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ NOV 20 2018 ★

**BROOKLYN OFFICE**

**ORDER APPROVING (I) FINAL REPORT AND FINAL ACCOUNTING; (II)  
FORMAT OF PROPOSED ORDER DISCHARGING RECEIVER AND  
TERMINATING RECEIVERSHIP; AND (III) FORM OF NOTICE OF  
TERMINATION OF RECEIVERSHIP**

This matter comes before the Court on the Motion of Marion A. Hecht, Receiver ("Receiver") for Garth R. Peterson ("Peterson") for approval of certain relief in connection with the winding up and termination of the receivership estate of Peterson now that the receivership proceeding relating to Garth R. Peterson has been concluded and that the Disgorged Asset which was the subject of this receivership estate has been fully administered by the Receiver, all as set forth in previous filings with the Court and orders entered by the Court over the course of this receivership.

The Court has reviewed the Receiver's Motion, Memorandum of Law, and Final Report and Final Accounting; and finds that the relief requested in the Motion and in the Final Report and Final Accounting is appropriate and necessary; and that that Ms. Hecht has fulfilled her responsibilities as Receiver in this matter.

It is therefore ORDERED that:

1. The Final Report and Final Accounting is approved as filed.

2. The Updated Reserve of \$193,454.20 (net of the pending Final Fee Application presently before this Court in the amount of \$112,415.68 covering the period June 1, 2016 through July 31, 2018 shall be reserved for the sole purpose of processing payments to the Receiver, Receiver's Counsel, potentially the IRS, and vendors in connection with the remaining actions undertaken from August 1, 2018 until the resolution with IRS as discussed above relative to the Form 4810. The Receiver shall seek Court approval prior to paying herself or her counsel any fees from the Updated Reserve by submitting invoices (as opposed to a fee application) to the Court for approval; however, ordinary and usual expenses and vendor payments may be made from the Updated Reserve without further order of the Court. The unused amounts in the Updated Reserve shall be reconciled and paid over to the SEC for remission to the U.S. Treasury as will be approved by this Court.

3. The Receiver shall provide no less than thirty (30) days' notice to all known parties-in-interest in this receivership proceeding of the termination of this receivership proceeding. Such notice shall be substantially in the form of Exhibit 3 attached hereto.

4. Within five (5) days of the filing of this order, the Receiver shall send via electronic mail, copies of the Final Report and Final Accounting, along with all accompanying documents and exhibits to parties in interest in this receivership proceeding as outlined in the Certificate of Service of Exhibit 3.

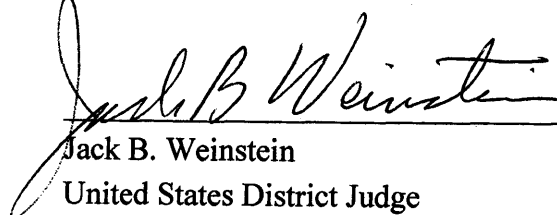
5. The form of the proposed order terminating the Peterson receivership estate and discharging the Receiver shall be substantially in the form of Exhibit 2 attached hereto, and, after resolution of any objections submitted in response to the notice described in paragraph 4 as well as resolution with the IRS, the Receiver is directed to submit a Line to the Court requesting entry of the Order Discharging Receiver and Terminating Receivership Estate within 30 days of receipt by

the Receiver from the IRS of notice that the IRS has accepted as filed all tax returns filed, including the short year 2018 (final return) pursuant to Forms 4810 filed by the Receiver.

6. Because this receivership is substantially completed, the Receiver shall have no further reporting requirements under the terms of the order appointing receiver entered by this Court on or about May 3, 2012 (*See* Docket Entry No. 7).

Dated: 11/20/18

BY THE COURT:

  
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Jack B. Weinstein  
United States District Judge